



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,703	03/24/2000	Kester Lijen Fong	10991522	2510

24251 7590 07/23/2003

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110

EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT

PAPER NUMBER

2124

4

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,703

Applicant(s)

FONG ET AL.

Examiner

Matthew Gubiotti

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

Art Unit: 2124

DETAILED ACTION

1. Claims 1-20 are pending in this Action.

Drawings

2. The drawings are objected to because they contain copy marks and hand written elements (See e.g. Fig.1). Additionally, some of the text is sufficiently close to the top margin as to complicate examination of the content of the drawing (See e.g. "Fig. 1") A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2124

4. Claims 1-4, 6-9, 11-14, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Raverdy et al. (U.S. Pat. No. 6,324,619, filed February 25th, 1999) (hereafter Raverdy).

Claims 1 and 3

Raverdy teaches a method of managing software components substantially as claimed (See Abstract; col.2, li.26-38) comprising:

"deploying one or more software components..."

Raverdy teaches deploying interoperating software components ("objects") on a plurality of computer platforms functional to execute a business application (col.2, li.50-61);

"monitoring said components with an Administrator..."

Raverdy teaches an Administrator ("adaptation manager") functioning as a central administration program independently of the components (fig.6, ref.630; col.7, li.5-16; col.14, li.51-55).

"determining a need to reconfigure...";

"modifying or replacing one or more components..."

Raverdy teaches the adaptation manager functional to, upon a determination that a need to reconfigure exists ("receiving a registered adaptation event"), modify or replace one or more component (col.2, li.58-61; col.12, li.32-41);

Art Unit: 2124

"wherein said monitoring, said determining, and said modifying..."

Raverdy teaches a method wherein monitoring, determining, and modifying are performed without reference to the computer platforms (col.5, li.44-59). In addition, Raverdy further teaches developing an object-oriented application utilizing the CORBA specification (See e.g. col.1, li.60-67). At the time of the invention, it was inherent that use of the COBRA specification in an object-oriented development environment allows for the communication of programs and objects existing on different computer platforms (See "Microsoft Computer Dictionary, 4th Edition" Microsoft Press, 1999, p.114).

Raverdy also teach a method wherein an application is replaced or reconfigured without being terminated ("reflective method [operable to adapt objects at run-time]"; col.2, li.39-49; col.6, li.58 to col.7., li.3).

Claim 2

Raverdy further teaches a plurality of computer platforms geographically separated from each other ("distributed application execution environment"; col.2, li.27-35, li.50-61).

Claim 4

Raverdy further teaches a distributed execution environment but does not expressly disclose that the Administrator comprises

Art Unit: 2124

a distributed program. It was inherent at the time of the invention, that in a distributed development environment, as taught by Raverdy (col.2, li.27-35, li.50-61), applications are non-centralized, and may be performed across computing systems connected over a network performing different tasks (See "Microsoft Computer Dictionary, 4th Edition" Microsoft Press, 1999, p.147).

Claims 6-9

These claims represent the system executing the method disclosed in Claims 1-4, respectively. The are rejected for the same reasons as stated above with the system disclosed as follows (col.4, li.48 to col.5, li.32).

Claims 11-14

These claims represent the medium storing the instructions for the method disclosed in Claims 1-4, respectively. The are rejected for the same reasons as stated above with the medium disclosed as follows (col.4, li.53-62; fig.1, ref.106 & 108).

Claims 16-19

These claims represent the data signal carrying the instructions for the method disclosed in Claims 1-4,

Art Unit: 2124

respectively. The are rejected for the same reasons as stated above with the data signal embodied as follows (col.4, li.10-45) (See also fig.1, ref.102).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 10, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy, as applied to claim 1 above.

Claim 5

Raverdy further teaches wherein monitoring comprises receiving messages containing changes in application status ("system events [triggered by system level adaptation policies at run-time]") since the receipt of a last message (col.10, li.46-55). Raverdy does not expressly teach that the message contains only changes in status since receipt of the last message. Official notice is taken that during normal,

Art Unit: 2124

sequential run-time processing of an application, it would have been obvious to one of ordinary skill in the art that a second message requiring a modification ("the triggering of a system event" [as observed by the adaptation manager]) would report only on changes in status occurring since the previous message. This would have been obvious because the inclusion of information unrelated to the second system event prior to the occurrence of a first system event would clog performance and hinder system efficiency.

Claim 10

This claim represents the system executing the method disclosed in Claim 5. It is rejected for the same reasons as stated above with the system disclosed as follows (col.4, li.48 to col.5, li.32).

Claim 15

This claim represents the medium storing the instructions for the method disclosed in Claim 5. It is rejected for the same reasons as stated above with the medium disclosed as follows (col.4, li.53-62; fig.1, ref.106 & 108).

Claim 20

Art Unit: 2124

This claim represents the data signal carrying the instructions for the method disclosed in Claim 5. It is rejected for the same reasons as stated above with the data signal embodied as follows (col.4, li.10-45) (See also fig.1, ref.102).

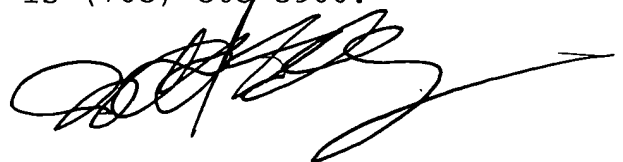
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG
July 18, 2003



Todd Ingberg
Primary Examiner
Group 2100